

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KASEY JAMES VELLA,

Plaintiff,

v.

CAROLYN W COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. 3:15-CV-05491-RJB-DWC

REPORT AND RECOMMENDATION

Noting Date: May 11, 2016

The District Court has referred this action, filed pursuant to 42 U.S.C. § 405(g), to United States Magistrate Judge David W. Christel. Presently before the Court is Defendant's Stipulated Motion for Remand. Dkt. 22. After reviewing Defendant's Stipulated Motion and the relevant record, the Court recommends the following:

Defendant's Motion be granted, and the case be reversed and remanded for further administrative proceedings under sentence four of 42 U.S.C. § 405(g).

On remand, the Court recommends the Administrative Law Judge (ALJ) hold a *de novo* hearing and issue a new decision. The Court also recommends the ALJ:

- Reconsider Asperger's syndrome at step two;
- Re-evaluate the opinion evidence, including the opinion of Ann Kanters, Ph.D; and
- Re-evaluate Plaintiff's credibility, lay witness evidence, other medical evidence, the residual functional capacity, and Plaintiff's ability to perform work at steps four and five, as necessary.

On remand, Plaintiff may also raise any issue and submit additional evidence in support of her claim.

The parties agree that on proper motion the Court should consider Plaintiff's application for costs and attorney fees under 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b).

Given the facts and the parties' stipulation, the Court recommends the District Judge immediately approve this Report and Recommendation.

Dated this 11th day of May, 2016.



David W. Christel
United States Magistrate Judge